

# INTERNATIONAL SEARCH REPORT

Int'l Application No  
PCT/GB2004/004683

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC 7 C12Q1/32 G01N33/50 G01N33/68 A61P15/08

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12Q G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, WPI Data, PAJ, EMBASE

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>THURSTON LISA M ET AL: "Identification of amplified restriction fragment length polymorphism markers linked to genes controlling boar sperm viability following cryopreservation"  <i>BIOLOGY OF REPRODUCTION</i>,          vol. 66, no. 3, March 2002 (2002-03),          pages 545-554, XP008042683          ISSN: 0006-3363          cited in the application          page 545, right-hand column, line 2 - line 16</p> <p>-----</p> <p>US 6 183 991 B1 (LOK SI ET AL)          6 February 2001 (2001-02-06)          abstract</p> <p>-----</p> <p>-/-</p>	1-13
A		14-29

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority, claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

23 February 2005

Date of mailing of the international search report

04/03/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
 NL - 2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3016

Authorized officer

Gundlach, B

BEST AVAILABLE COPY

## INTERNATIONAL SEARCH REPORT

In  National Application No  
PCT/GB2004/004683

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	NACHARAJU V L ET AL: "Presence of 11beta-hydroxysteroid dehydrogenase in human semen: Evidence of correlation with semen characteristics" STEROIDS: STRUCTURE, FUNCTION, AND REGULATION, ELSEVIER SCIENCE PUBLISHERS, NEW YORK, NY, US, vol. 62, no. 3, March 1997 (1997-03), pages 311-314, XP004057110 ISSN: 0039-128X cited in the application abstract -----	1-26
A	NEUMANN A ET AL: "Temporal coincidence of the appearance of elongated spermatids and histochemical reaction of 11-beta-hydroxysteroid dehydrogenase in rat Leydig cells" ANDROLOGIA, vol. 25, no. 5, 1993, pages 263-269, XP008042676 ISSN: 0303-4569 abstract	1-26
A	GREGORY L: "Ovarian markers of implantation potential in assisted reproduction." HUMAN REPRODUCTION (OXFORD, ENGLAND) DEC 1998, vol. 13 Suppl 4, December 1998 (1998-12), pages 117-132, XP008042677 ISSN: 0268-1161 abstract	21-26
A	THURSTON L M ET AL: "Ovarian modulators of 11beta-hydroxysteroid dehydrogenase (11betaHSD) activity in follicular fluid from gonadotrophin-stimulated assisted conception cycles." REPRODUCTION (CAMBRIDGE), vol. 124, no. 6, December 2002 (2002-12), pages 801-812, XP008042678 ISSN: 1470-1626 cited in the application page 803, right-hand column, paragraphs 2,3 page 804, left-hand column, paragraph 1 ----- -/-	27-29

BEST AVAILABLE COPY

## INTERNATIONAL SEARCH REPORT

Inte...inal Application No  
PCT/GB2004/004683

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>THURSTON L M ET AL: "Ovarian modulators of type 1 11beta-hydroxysteroid dehydrogenase (11betaHSD) activity and intra-follicular cortisol:cortisone ratios correlate with the clinical outcome of IVF."</p> <p>HUMAN REPRODUCTION (OXFORD), vol. 18, no. 8, August 2003 (2003-08), pages 1603-161?, XP008042682</p> <p>ISSN: 0268-1161</p> <p>cited in the application abstract</p> <p>-----</p>	27-29
A	<p>THURSTON LISA M ET AL: "Ovarian modulators of 11beta-hydroxysteroid dehydrogenase (11betaHSD) activity in follicular fluid from bovine and porcine large antral follicles and spontaneous ovarian cysts."</p> <p>BIOLOGY OF REPRODUCTION, vol. 68, no. 6, June 2003 (2003-06), pages 2157-2163, XP008042685</p> <p>ISSN: 0006-3363</p> <p>cited in the application abstract</p> <p>-----</p>	27-29
A	<p>GAFFNEY B T ET AL: "Panax ginseng and Eleutherococcus senticosus may exaggerate an already existing biphasic response to stress via inhibition of enzymes which limit the binding of stress hormones to their receptors"</p> <p>MEDICAL HYPOTHESES, vol. 56, no. 5, May 2001 (2001-05), pages 567-572, XP008042673</p> <p>ISSN: 0306-9877</p> <p>abstract</p> <p>-----</p>	27-29

BEST AVAILABLE COPY

## INTERNATIONAL SEARCH REPORT

national application No.  
PCT/GB2004/004683

### Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: 22-26 (partially)  
because they relate to subject matter not required to be searched by this Authority, namely:  

Although claims 22-26 are directed to a method of treatment of the human/animal body, the search has been carried out in as far as ex vivo methods are involved.
2.  Claims Nos.: 30-34  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  

see FURTHER INFORMATION sheet PCT/ISA/210
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box III Observations where unity of Invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 22-26 are directed to a method of treatment of the human/animal body, the search has been carried out in as far as ex vivo methods are involved.

-----  
Continuation of Box II.1

Claims Nos.: 22-26 (partially)

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery

-----  
Continuation of Box II.2

Claims Nos.: 30-34

Present claims 30-34 relate to a product or its medical use defined by reference to a desirable characteristic or property, namely being obtainable by the method of claims 27-29.

The claims cover all products having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for no such products, since claims 27-29 and also the application as a whole merely disclose a method of enriching such products. There is no teaching provided which would allow a skilled person to identify those compounds falling under the scope of the claims.

In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search for the claimed subject-matter is impossible. Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the product by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search impossible.

Consequently, no search has been carried out for claims 30-34.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried

**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

out during examination before the EPO (see EPO Guideline C-VI, 8.5),  
should the problems which led to the Article 17(2) declaration be  
overcome.

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No  
PCT/GB2004/004683

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
US 6183991	B1 06-02-2001	US US US AU EP JP JP JP WO	5959075 A 6709659 B1 2004086509 A1 3972797 A 0918859 A1 2000503860 T 2002204698 A 2004073205 A 9805782 A1	28-09-1999 23-03-2004 06-05-2004 25-02-1998 02-06-1999 04-04-2000 23-07-2002 11-03-2004 12-02-1998

**BEST AVAILABLE COPY**